

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

JUN 20 2017

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

BRIAN DAVID HILL,)
v.)
Plaintiff,) Case No.: 4:17-cv-00027
v.)
EXECUTIVE OFFICE FOR)
UNITED STATES ATTORNEYS, *et al.*,) By: Hon. Jackson L. Kiser
Defendants.) Senior United States District Judge
)

Plaintiff Brian David Hill has filed a Motion asking this Court to request an attorney to represent Plaintiff in this matter. (*See* Mot. Asking Ct. to Req. Legal Counsel, June 16, 2017 [ECF No. 13]); 28 U.S.C. § 1915(e)(1) ("The court may request an attorney to represent any person unable to afford counsel."). I have previously held that Section 1915(e)(1) only grants courts the power to *request*, rather than *appoint*, an attorney. *Chase v. Lappin*, No. 7:10-cv-00021, 2010 WL 292669, at *1 (W.D. Va. Jan. 21, 2010). In other words, I cannot compel an attorney to represent Plaintiff. *See Mallard v. United States Dist. Court*, 490 U.S. 296, 309 (1989) (holding that Section 1915(e)(1) "does not authorize coercive appointments of counsel"). Moreover, requests under Section 1915(e)(1) should generally be granted under exceptional circumstances. *See Whisenant v. Yuam*, 739 F.3d 160, 163 (4th Cir. 1984), *abrogated on other grounds by Mallard*, 490 U.S. at 300, n. 3. ("[I]t is an abuse of discretion to decline to appoint counsel where the case of an indigent plaintiff presents exceptional circumstances.").

Plaintiff argues that the Court should request an attorney because he is "severely limited in legal knowledge." (Pl.'s Mot. at p. 1 [ECF No. 3].) Further, he is diagnosed with autism and type 1 diabetes. (*Id.*) Despite these self-described limitations, Plaintiff has already filed multiple

motions and demonstrated a command of civil procedure beyond that of an average plaintiff appearing *pro se*. In light of this, I do not find that exceptional circumstances exist, and I am confident that Plaintiff can seek out counsel through his own efforts. Plaintiff's Motion is hereby **DENIED**.

Entered this 20th day of June, 2017


SENIOR UNITED STATES DISTRICT JUDGE